

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNIFI EXPORT SALES, LLC, and)
UNIFI, INC.,)
Plaintiffs/Counterclaim-Defendants,)
)
v.) 1:03CV01149
)
MEKFIR INTERNATIONAL)
CORPORATION, and)
MENASHE EXELBIRT,)
Defendants/Counterclaim-Plaintiffs.)

JUDGMENT

On November 22, 2005 the Magistrate Judge's Recommendation (Doc. 38) was filed. As a result of the Defendants' failure to participate in discovery and in the prosecution of its counter-claims, Judge Eliason recommended granting Plaintiff's motions to strike and dismiss (Doc. 31) and for a default judgment (Doc. 33). The Defendants had not only failed to participate in discovery but also to attend the court mandated mediation conference.

On November 22, 2005 the Recommendation was mailed to the Defendants with the admonition that any objection should be filed by December 10, 2005. The Defendants have failed to file objections to the Recommendation.

IT IS, THEREFORE, ORDERED that for the reasons stated in the Recommendation, the Recommendation of the Magistrate Judge be adopted.

and that a default judgment be entered in favor of the Plaintiff for \$699,320.85 plus costs and post judgment interest at the legal rate, to accrue from the date of Judgment until paid.

IT IS FURTHER ORDERED that the counterclaims of the Defendants are DISMISSED WITH PREJUDICE.

This the day of December 19, 2005

/s/ N. Carlton Tilley, Jr
United States District Judge